

C. REMARKS

Reconsideration and allowance of the present application are requested in view of the foregoing amendments and the following remarks. Upon entry of this Reply, claims 1, 15, 30, 31, 45, 60, 61, 75, 90, 101, 116, 120, 131 and 136-139, 141-153, 155-162, 164-176, 178-185, 187-199, 201-208, 210-220, and 222-245 will be pending in the present application with claims 1, 15, 30, 31, 45, 60, 61, 75, 90, 101, 116, 120, and 131 being independent. Claims 140, 154, 163, 177, 186, 200, 209, and 221 have been cancelled.

1. Telephone Interview

Applicant would like to thank Examiner Dixon for conducting an interview with Applicant's representative on April 12, 2004. The foregoing amendments and the following remarks reflect the substance of the interview.

2. Chapin Jr./Yacoob/Fulcher et al. Rejection

The Examiner rejected claims 1, 15, 30, 31, 45, 60, 61, 75, 90, 101, 116, 131, 136-146, 148-150, 152-157, 159-169, 171-173, 175-180, 182-192, 194-196, 198-203, 205-212, 214-224, 226-236, 238-245 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,931,878 to Chapin Jr. ("Chapin") in view of U.S. Patent No. 6,170,742 to Yacoob ("Yacoob") in view of U.S. Patent No. 6,505,774 to Fulcher et al. ("Fulcher"). Applicant traverses this rejection insofar as it pertains to the presently pending claims.

Applicant submits that the outstanding grounds of rejections are based on impermissible

hindsight reconstruction, using Applicant's claim as a template to reconstruct the claimed invention.¹

While Applicant disagrees with and the Examiner's grounds of rejections, independent claims 1, 15, 30, 31, 45, 60, 75, 90, 101, 116, and 131 have been further amended in order to expedite prosecution. Namely, Applicant has amended the claims to recite that "the incentives are at least in part associated with prior maintenance service performed on a vehicle by a vehicle service entity associated with the data management system," "the incentives are at least in part associated with recommended maintenance services to be performed on the vehicle by the vehicle service entity associated with the data management system," and "response data comprises recommended services, a savings amount during a visit, and total savings amount to date based on the prior maintenance service."

Applicant submits that Chapin, Yacoob and Fulcher clearly fail to teach or suggest all the elements of independent claims 1, 15, 30, 31, 45, 60, 75, 90, 101, 116, and 131 – in particular, "a data management system configured to provide a customer incentive package with selectively offered incentives, ...wherein the incentives are at least in part associated with prior maintenance service performed on a vehicle by a vehicle service entity associated with the data management system and wherein the incentives are at least in part associated with recommended maintenance services to be performed on the vehicle by the vehicle service entity associated with the data management system," and "response data comprises recommended services, a savings amount during a visit, and total savings amount to date based on the prior maintenance service" as

¹ See In re Fritch, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780, 1784 (Fed. Cir. 1992).

recited. In addition, Applicant submits that Chapin, Yacoob and Fulcher provide no suggestion or motivation to modify their respective systems to include a data management system as recited by independent claims 1, 15, 30, 31, 45, 60, 75, 90, 101, 116, and 131.

In view of the above, the amended independent claims and their dependent claims clearly recite combinations of features that are neither taught nor suggested by the prior art including Chapin alone or in combination with Yacoob and Fulcher. Applicant submits that such claims are allowable for at least this reason.

Accordingly, reconsideration and withdrawal of this rejection are requested.

3. Chapin/Yacoob/Fulcher/Filepp et al. or Collins-Rector et al. Rejection

The Examiner rejected claims 120, 147, 151, 158, 170, 174, 181, 193, 197, 204, 213, 225 and 237 as being unpatentable over Chapin in view of Yacoob in view of Fulcher and further in view of U.S. Patent No. 5,347,632 to Filepp et al. ("Filepp") or U.S. Patent No. 6,188,398 to Collins-Rector et al. ("Collins-Rector"). Applicant traverses this rejection insofar as it pertains to the presently pending claims.

Applicant submits that Chapin, Yacoob, Fulcher, Filepp, and/or Collins-Rector cannot be properly combined because the references are in different fields of endeavors and not reasonably pertinent to the particular problem with which each reference was concerned. Furthermore, it is clear that, even if combined, such combinations would still fail to teach or suggest all the features of claims 120, 147, 151, 158, 170, 174, 181, 193, 197, 204, 213, 225 and 237.

As set forth above, the teachings of Chapin, Yacoob and Fulcher fail to teach or suggest

“a data management system configured to provide a customer incentive package with selectively offered incentives, ...wherein the incentives are at least in part associated with prior maintenance service performed on a vehicle by a vehicle service entity associated with the data management system and wherein the incentives are at least in part associated with recommended maintenance services to be performed on the vehicle by the vehicle service entity associated with the data management system,” and “response data comprises recommended services, a savings amount during a visit, and total savings amount to date based on the prior maintenance service,”and, thus, are insufficient to establish a *prima facie* case of obviousness with respect to the amended independent claims. In addition, the portions of Filepp and Collins-Rector relied on by the Examiner are devoid of any teaching or suggestion of “a data management system configured to provide a customer incentive package with selectively offered incentives....,” as recited by the independent claims.

In view of the above, claims 120, 147, 151, 158, 170, 174, 181, 193, 197, 204, 213, 225 and 237 clearly recite combinations of features that are neither taught nor suggested by the prior art including Chapin alone or in combination with Yacoob, Fulcher, Filepp and/or Collins-Rector. Applicant submits that such claims are allowable for at least this reason.

Accordingly, reconsideration and withdrawal of this rejection are requested.

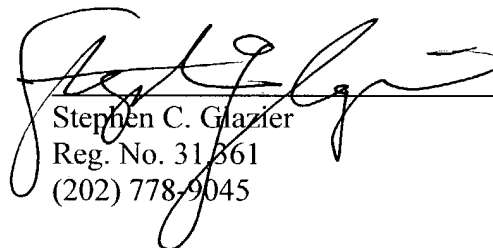
D. CONCLUSION

Applicant submits that the present application is in condition for allowance and requests favorable action in the form of a Notice of Allowance. Should the Examiner believe that this application is in condition for disposition other than allowance, the Examiner is invited to contact the undersigned at the telephone number listed below in order to address the Examiner's concerns. No fee is believed to be due at this time, but please apply any necessary charges or credits to Deposit Account No. 50-1721.

Respectfully submitted,

Date: _____

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